

ARKANSAS SUPREME COURT

No. CR 07-128

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered February 22, 2007

TIMOTHY EDWARDS
Petitioner

PRO SE MOTION FOR BELATED
APPEAL OF ORDER [CIRCUIT
COURT OF PULASKI COUNTY, CR
2003-1612, HON. JOHN LANGSTON,
JUDGE]

v.

STATE OF ARKANSAS
Respondent

MOTION DISMISSED

PER CURIAM

In 2004, judgment was entered reflecting that petitioner Timothy Edwards had been found guilty by a jury of aggravated robbery and sentenced as a habitual offender to a term of life imprisonment. We affirmed. *Edwards v. State*, 360 Ark. 413, 201 S.W.3d 909 (2005). Subsequently, petitioner timely filed in the trial court a *pro se* petition for postconviction relief pursuant to Criminal Procedure Rule 37.1, which was denied on July 12, 2005. Petitioner, proceeding *pro se*, now seeks leave to proceed with a belated appeal of the order.

Belated appeals in criminal cases are governed by Rule 2(e) of the Rules of Appellate Procedure--Criminal. The rule provides in pertinent part that "no motion for belated appeal shall be entertained by the Supreme Court unless application has been made to the Supreme Court within eighteen (18) months of the date of entry of judgment or entry of the order denying postconviction relief...." Petitioner filed the motion for belated appeal here on February 8, 2007. The eighteen-month period to file a motion for belated appeal in the case elapsed on January 12, 2007.

It is incumbent on a petitioner to file a motion for belated appeal in a timely manner inasmuch as an untimely motion for belated appeal is subject to dismissal. *Hayes v. State*, 328 Ark. 95, 940 S.W.2d 886 (1997) (*per curiam*). As petitioner failed to file the motion within the period allowed by Ark. R. App. P.–Crim. 2(a), the motion is dismissed.

Motion dismissed.